

Application No.: 10/613,912

Docket No. D03074

REMARKS

A. Status of the Application

Claims 1-25 were originally filed with this application, and presently pending.

The Examiner has accepted the drawings submitted by the Applicant on July 5, 2005, objected to the specification, and rejected all pending claims.

With this response the Applicant has requested the amendment of Claims 10, the cancellation of claims 1-9 and 11-25, and submitted new Claims 26-30 for consideration.

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B. Objections to the Specification

The Examiner objected to the specification for an omission of a serial number and filing date of a related application. With this response Applicant has requested the amendment of the specification to include that number and date.

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C. Rejections of the Claims under 35 U.S.C. § 101

The Examiner rejected claims 1-25 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner found the claims to be directed to method or process for performing an averaging operation on a plurality of via a specified mathematical algorithm to obtain an average result. This result was viewed as intangible because no practical application was evident from the claims.

With this response the Applicant has amended Claim 10 so that it now clearly states that the invention is directed to a method for implementing a finite impulse response filter. This same restriction is found in each of the newly submitted claims. It is believed that with this clarification, the claims should no longer be viewed as arriving at an intangible result without practical application. Reconsideration of the rejection is requested.

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D. Rejections of the Claims under 35 U.S.C. § 102

The Examiner rejected claims 1-25 as being anticipated under 35 U.S.C. § 102(e) by U.S. Patent No. 6,512,523 ("Gross"). Applicant has requested the cancellation of Claims 1-9 and 11-25 with this response. Consequently, the discussion of the rejections under 35 U.S.C. § 102(e) will be limited to Claim 10.

With respect to Claim 10, the Examiner contended that Figs. 5A, 5B and 6 of Gross illustrated a method of obtaining an average of a plurality of values, wherein the values are packed, by using a SIMD instruction to obtain a packed rounded-up average which is then corrected by subtracting one if the sum of the first and second packed values is an odd number. The Applicant can understand how the cited figures can be seen as applicable to one aspect of what was disclosed in the originally filed application – Namely, the Type 2 filter referenced in Paragraph [0046]. However, nothing in Gross appears to be relevant with respect to the Type 1, Type 3, and Type 4 filters disclosed by the Applicant.

The Claim 10 as originally filed was drafted in a manner intended to capture all four types of filters. As presently amended it very specifically recites a method applicable to only a Type 1 filter, and therefore it is believed that Gross can no longer be viewed as anticipating this amended claim. Reconsideration is requested.

As for the newly filed Claims 26-30, these too have been drafted so as to specifically avoid claiming a Type 2 filter. Rather, Claim 26-29 relate to Type 3 filters, and Claim 30 to a Type 4 filter.

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CONCLUSION

The presently amended and newly submitted claims are believed to patentably distinguishable from the cited art, and Applicant respectfully requests that they be passed to allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Dated: March 1, 2006

Respectfully submitted,

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